

**Davis Polk**

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September 8, 2025

**Re: *In re Big Lots, Inc.*, No. 24-11967 (JKS) – Joint Letter of the Debtors and Lipp CDS, Inc.  
Regarding Lipp CDS Proof of Claim**

Honorable J. Kate Stickles  
United States Bankruptcy Judge  
United States Bankruptcy Court for the District of Delaware  
824 North Market Street, 5th Floor  
Wilmington, DE 19801

Dear Judge Stickles:

Reference is made to (a) Proof of Claim No. 10731 (the “**Proof of Claim**”)<sup>1</sup> filed by Lipp CDS, Inc. (“**Lipp CDS**”) in the above-referenced chapter 11 cases (the “**Chapter 11 Cases**”), (b) *Debtors’ Objection to Lipp CDS, Inc.’s Proof of Claim* [D.I. 2989] (the “**Debtors’ Objection**”) filed by the debtors and debtors in possession in the Chapter 11 Cases (the “**Debtors**” and, together with Lipp CDS, the “**Parties**”), and (c) *Reply to Debtor’s Objection to Proof of Claim of Lipp CDS, Inc.* [D.I. 3057] (the “**Lipp CDS Reply**”) filed by Lipp CDS.

As discussed at the August 13, 2025 omnibus hearing, the Parties hereby submit this joint letter in order to inform Your Honor that the Parties consent to Your Honor issuing a ruling on the Debtors’ Objection without the need for further hearing on the matter. In support of the Proof of Claim and the Lipp CDS Reply, Lipp CDS requests to admit the documents attached hereto as **Exhibits 1–10** (collectively, the “**Lipp CDS Exhibits**”). The Debtors consent to admission of the Lipp CDS Exhibits, without prejudice to any weight Your Honor may afford such exhibits. In support of the Debtors’ Objection, the Debtors request that Your Honor take judicial notice of the decision of the United States District Court for the Central District of California in *Big Lots Stores PNS LLC v. 6351 Westminster Blvd LLC*, Case No. SACV 24-757-MWF (JDEx), 2024 WL 4103564 (C.D. Cal. Aug. 8, 2024), a slip copy of which was attached to the Debtors’ Objection as **Exhibit B** (the “**District Court Decision**”). Lipp CDS consents to Your Honor taking judicial notice of the District Court Decision.

Accordingly, the Parties respectfully submit that the dispute regarding the Proof of Claim is ripe for decision and that no further briefing or hearing is necessary. The Parties therefore respectfully request that Your Honor issue a ruling on the Proof of Claim based on the Proof of Claim, the Debtors’ Objection, the Lipp CDS Reply, the Lipp CDS Exhibits, and the District Court Decision.

Respectfully,

/s/ Stephen D. Piraino

Stephen D. Piraino  
Counsel to the Debtors and Debtors in  
Possession



Susan Barilich  
Counsel to Lipp CDS, Inc.

<sup>1</sup> A copy of the Proof of Claim is attached hereto as **Annex A**.

**Davis Polk**

Honorable J. Kate Stickles

Attachments

cc w/ att: Robert J. Dehney, Sr., Morris, Nichols, Arsht & Tunnell LLP  
Andrew R. Remming, Morris, Nichols, Arsht & Tunnell LLP  
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Via CM/ECF